

REMARKS

This paper is submitted in response to the examiner's office action dated December 6, 2005. Reconsideration of the patentability of all of the pending claims of the above referenced patent application is solicited.

The pending claims in this application are now numbered 1-6, 8 to 15, and 64 to 69. Claims 1 and 9 have been amended to correct an error in the characterization of the bulk densities of the single wall portions of the male and female pipe ends. Other minor language corrections have been made in claim 1. The amendments previously submitted have been entered in the instant paper.

It is pointed out that the amendments being made herein to the claims are editorial in nature and in no way effect the patentability of the subject matter thereof. The instant claims are quite distinct from the state of the prior art and therefore should be allowed without any prosecution history estoppel being derived from these amendments. None of these amendments introduce any prohibited new matter as is clear from the fact that the examiner proposed either the language or the substance of the claim amendments. If the examiner found enough information in the specification to propose these amendments, it is clear that a person of ordinary skill in this art would also understand them to be incorporated in the instant patent application.

In the outstanding action, the examiner has objected to the response filed September 7, based on the allegation that there was no specific discussion of how at least claims 1 and 9 were distinguished from the state of the prior art and particularly how they were distinguished from the disclosure of the '595 patent. This position of the examiner is respectfully traversed.

Claims 1 and 9 provide for the instant claimed pipe to be made up of hollow inner and outer tubular members with rib members disposed between the inner and outer tubular members such that the combination of next adjacent rib members and their intercepted portions of the inner and outer tubular members formed hollow cells. To the contrary, the reference discloses a pair of longitudinal half pipes each of which is made up of an inner member 33, an outer member

29, ribs (unnumbered) disposed between the inner member and the outer member and foam 36 disposed in the cells formed by the combination of next adjacent rib members and the portions of the inner and outer half pipes. In the instant claims, the male and female end joints are made up of an amount of material that is equivalent to the amount of material that would have made up the inner tubular member, the outer tubular member and the ribs that would otherwise have been part of the hollow pipe structure. Thus, the bulk density of the end joints will necessarily be greater than the bulk density of the remainder of the pipe material. To the contrary, the reference shows male and female end joints made up of a portion of the inner or outer tubular material as well as some foam material. The bulk density of the end joints of the reference will be the same as the bulk density of the rest of the dual walled structure shown therein.

In addition, the pipe of the reference does not disclose a structure comprising a hollow inner member, a hollow outer member and ribs in the hollow space between these members, where the ribs and the inner and outer members form hollow cells. There are no hollow cells disclosed in the reference. In the reference all of the cells are filled with foam.

Importantly, the reference shows a structure that has male and female mating end couples and also male and female longitudinal couples. In the instant claimed structure the pipe is longitudinally seamless. Indeed, it is preferably made by a single extrusion such that the pipe length is a single integral whole, not a pair of longitudinal half pipes as is disclosed and required by the reference.

To sum up:

the instant claimed pipe has a portion of its length in which there is substantial hollow space disposed between the inner tubular member and the outer tubular member and a portion of the ends of the pipe in which there is no, or at most very little, hollow space because the structural elements of the pipe have been collapsed into a solid structure; whereas in the reference all of the space between the inner and outer tubular members of each portion of the unassembled pipe is initially empty and then filed with foam before being assembled into a pipe. Although the disassembled portions of the pipe of the reference may have hollow space at some

time before assembly, the **whole pipe** of the reference never has any hollow space between the inner and outer tubular members. This is a required element of the instant invention.;

the instant claimed pipes are longitudinally seamless, whereas the pipe of the reference has two longitudinal seams;

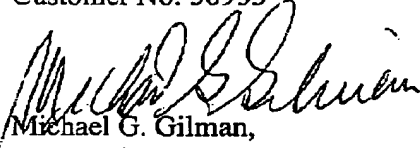
the male and female end couples of the instant claimed pipes have no empty space in them (that is no room to be filled with foam) as is disclosed and required by the reference; and

the male and female couplings of the instant invention have a higher bulk density than do the end couples of the reference because the instant end couples are material made up of the solid elements of the instant claimed pipe that have been compressed together, whereas the reference discloses the end couples to be made up of the same inner and outer pipe members and foam as the rest of the pipe. The reference does not disclose any compression. Thus the characterization of the instant end couplings as having a higher bulk density than the remainder of the pipe structure is a clear and unmistakable differentiation between the instant claimed structure and the structure of the reference.

It is therefore urged that the examiner find all of the claims to be allowable.

Respectfully submitted:

INTELLECTUAL PROPERTY LAW OFFICES of
Michael G. Gilman
Customer No. 50955



Michael G. Gilman,
Registration. No. 19114

424 Lantana Park
Lexington, KY 40515

Voice 859 272 0149
FAX 859 272 0150
Mobile 301 704 4816

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